



U.S. DEPARTMENT of STATE

Burma

Country Reports on Human Rights Practices - [2003](#)

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Burma is ruled by a highly authoritarian military regime. In 1962, General Ne Win overthrew the elected civilian government and replaced it with a repressive military government dominated by the majority Burman ethnic group. In 1988, the armed forces brutally suppressed pro-democracy demonstrations, and a group composed of 19 military officers, called the State Law and Order Restoration Council (SLORC) took control, abrogated the 1974 Constitution, and has ruled by decree since then. In 1990, pro-democracy parties won over 80 percent of the seats during generally free and fair parliamentary elections, but the Government refused to recognize the results. In 1992, then-General Than Shwe took over the SLORC and in 1997 changed its name to the State Peace and Development Council (SPDC). The 13-member SPDC is the country's de facto government, with subordinate Peace and Development Councils ruling by decree at the division, state, city, township, ward, and village levels. Several long-running internal ethnic conflicts continued to smolder. The judiciary was not independent and was subject to military control.

The Government reinforced its firm military rule with a pervasive security apparatus. The Office of Chief Military Intelligence (OCMI) exercised control through surveillance of the military, government employees, and private citizens, and through harassment of political activists, intimidation, arrest, detention, physical abuse, and restrictions on citizens' contacts with foreigners. The Government justified its security measures as necessary to maintain order and national unity. Members of the security forces committed numerous, serious human rights abuses.

Though resource-rich, the country is extremely poor; the estimated annual per capita income was approximately \$300. Most of the population of more than 50 million was located in rural areas and lived at subsistence levels. Four decades of military rule, economic mismanagement, and endemic corruption have resulted in widespread poverty, poor health care, declining education levels, poor infrastructure, and continuously deteriorating economic conditions. During the year, the collapse of the private banking sector and the economic consequences of additional international sanctions further weakened the economy.

The Government's extremely poor human rights record worsened, and it continued to commit numerous serious abuses. Citizens still did not have the right to change their government. Security forces continued to commit extrajudicial killings and rape, forcibly relocate persons, use forced labor, conscript child soldiers, and reestablished forced conscription of the civilian population into militia units. During the year, government-affiliated agents killed as many as 70 pro-democracy activists. Disappearances continued, and members of the security forces tortured, beat, and otherwise abused prisoners and detainees. Citizens were subjected to arbitrary arrest without appeal. Arrests and detention for expression of dissenting political views occurred on numerous occasions. During the year, the Government arrested over 270 democracy supporters, primarily members of the country's largest pro-democracy party, the National League for Democracy (NLD). The Government detained many of them in secret locations without notifying their family or providing access to due legal process or counsel. During the year, the Government stated it released approximately 120 political prisoners, but the majority of them had already finished their sentences, and many were common criminals and not political prisoners. By year's end, an estimated 1,300 political prisoners remained in prison. Prison conditions remained harsh and life threatening, although in some prisons conditions improved after the International Committee of the Red Cross (ICRC) was allowed access. The Government did not take steps to prosecute or punish human rights abusers. On May 30, government-affiliated forces attacked an NLD convoy led by party leader Aung San Suu Kyi, leaving several hundred NLD members and pro-democracy supporters missing, under arrest, wounded, raped, or dead. Following the attack, Government authorities detained Aung San Suu Kyi, other NLD party officials, and eyewitnesses to the attack. As of year's end, the Government has not investigated or admitted any role in the attack. The Government subsequently banned all NLD political activities, closed down approximately 100 recently reopened NLD offices, detained the entire 9-member NLD Central Executive Committee, and closely monitored the activities of other political parties throughout the country.

The Government continued to restrict severely freedom of speech, press, assembly, association, and movement. During the year, persons suspected of or charged with pro-democratic political activity were killed or subjected to severe harassment, physical attack, arbitrary arrest, detention without trial, incommunicado detention, house arrest, and the closing of political and economic offices.

The Government restricted freedom of religion, coercively promoted Buddhism over other religions, and imposed restrictions on religious minorities. The Government's control over the country's Muslim minority continued, and acts of discrimination and harassment against Muslims continued. The Government regularly infringed on citizens' privacy; security forces continued to monitor systematically citizens' movements and communications, search homes without warrants, and relocate persons forcibly without just compensation or legal recourse. The SPDC also continued to forcibly relocate large ethnic minority civilian populations in order to deprive armed ethnic groups of civilian bases of support. The Government continued to restrict freedom of movement and, in particular, foreign travel by female citizens under 25 years of age.

The Government did not permit domestic human rights organizations to function independently and remained hostile to outside scrutiny of its human rights record. However, it allowed the U.N. Special Rapporteur on Human Rights (UNSRHR) in Burma to conduct two limited missions to the country, but the Government did not allow the UNSRHR to visit all sites requested or stay for as long as he requested. It also allowed the International Labor Organization (ILO) to operate a liaison office in Rangoon; however, after the May 30 attack on Aung San Suu Kyi the ILO deferred finalizing a draft agreement with the Government on forced labor. Violence and societal discrimination against women remained problems, as did discrimination against religious and ethnic minorities. The Government continued to restrict worker rights, ban unions, and use forced labor for public works and for the support of military garrisons. Forced child labor remained a serious problem, despite recent ordinances outlawing the practice. The forced use of citizens as porters by SPDC troops--with the attendant mistreatment, illness, and sometimes death--remained a common practice, as did Government forced recruitment of child soldiers. Trafficking in persons, particularly in women and girls primarily for the purposes of prostitution, remained widespread, despite some efforts to address the problem.

Ethnic armed groups including the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), and the Shan State Army-South (SSA-South) also may have committed human rights abuses, including killings, rapes, forced labor, and conscription of child soldiers, although on a lesser scale than the Government.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

On May 30, government-affiliated forces attacked an NLD convoy led by party leader Aung San Suu Kyi near the village of Depeyin in the northwest region of the country, using bamboo staves and metal pipes to kill or injure pro-democracy supporters. The attackers killed at least six pro-democracy supporters including NLD members San Myint, Tin Maung Oo, Thien Toe Aye, and Khin Maung Kyaw. The two others killed were Min Zaw Oo, a student; and U Panna Thiri, a Buddhist monk from Monywa. Diplomatic representatives received credible reports of two more victims who later died of their injuries, including Tun Aung Kyaw, a political activist from Mandalay who died in early September. Local villagers and survivors of the attack reported to diplomatic representatives that the attackers might have killed as many as 70 pro-democracy supporters accompanying the NLD convoy. By year's end, the fate of the many other wounded persons, including 10 NLD members and 47 pro-democracy supporters from the convoy, remained unknown.

According to credible reports, throughout the rest of the night following the attack, security forces clashed with and may have killed scores of other villagers, students, and Buddhist monks in the villages surrounding the attack site. The Government admitted that 4 persons were killed and 48 were injured in the attack on the NLD convoy but did not acknowledge the alleged killings in the surrounding villages. The Government did not credibly investigate any of the attacks and thus perpetuated a climate of impunity. Officials reportedly involved in the assault were subsequently rewarded. Lieutenant General Soe Win, reportedly involved in planning the attack as the then-SPDC Secretary-Two, was promoted to Secretary-One, a very high-ranking position in the ruling junta. Regional commander Brigadier General Soe Neing, reliably reported to be responsible for executing the attack, was laterally transferred and made commander of the Irrawaddy Division and was not prosecuted or reprimanded.

Organizations like the Shan Human Rights Foundation (SHRF), which has been associated with armed ethnic resistance groups in the past, reported numerous cases throughout the year of military troops killing civilians in border areas and areas of ethnic resistance, often after confiscating property or torturing the individuals (see Sections 1.g. and 5). Interviews by foreign observers documented similar abuses. SHRF reported that in March, two farmers working in their fields were accused of being or helping Shan soldiers. They were shot and killed by a patrol of Burmese Army troops at a farm in Nam-Zarng Township in Shan State. On April 29, a patrol of soldiers shot and killed a displaced farmer on the road just outside Phuay Hai village in Lai-Kha town in Shan State for being unable to sell his rice quota as demanded by government troops. On May 5, a patrol of government troops beat to death a farmer who was working at a remote farm in Shan State. In August, the Karen National Union (KNU), an armed insurgent group, reported that on July 16 battalion commander Myint Htun Oo and company commander Moe Mung arbitrarily and summarily executed Karen village headmen Saw Htoo Pwe Sher and Saw Kyaw Aye Swe.

There were no reports that the Government took action to investigate or prosecute soldiers involved in the following 2002 killings: The April killing of 10 persons, including 6 children, and the injuring of 9 in Karen State; the July reported robbery and killing of 6 civilians near the Thailand border in Shan State; and the September killing of 10 villagers in Kholam, Shan State. There were no reports that the Government took action to investigate or prosecute soldiers involved in the 2001 shooting and killing of 11 prisoners conscripted into forced labor to build a front line camp in Tenasserim Division.

Inmates died in prisons and labor camps, or shortly after being released from them, due to harsh treatment and lack of adequate medical care (see Section 1.c.). During the year, the ICRC believed prison conditions improved slightly from life threatening to poor, though life-threatening conditions could reappear. There were no reports of investigations of deaths in prison and labor camps during the year.

There were several unverified reports of deaths due to security forces using civilians to clear landmines (see Section 1.g).

Some armed ethnic groups also reportedly committed killings. According to an unconfirmed report, on May 21, SSA-South detonated bombs in four separate places in Tachileik, Shan State, which killed four persons.

b. Disappearance

Private citizens and political activists continued to "disappear" for periods ranging from several hours to several weeks or more, and many persons never reappeared. Such disappearances generally were attributed to authorities detaining individuals for questioning without the knowledge of their family members, or the army's practice of seizing private citizens for portage or related duties, often without the knowledge of their family members (see Section 6.c.). In many cases, the individuals who were detained for questioning were released soon afterward and returned to their families.

During the year, Amnesty International (AI) compiled a list of 17 persons who disappeared while in Government detention in 2002 and many remained missing at year's end. According to AI, in March 2002, seven Myeik Dawei United Front members on the list, Khin Maung, Shew Bay, Tin San, Naig Oo, Kyaw Naing, Than Zaw, and Ohn Lwin were reportedly transferred from Mergui Prison by government soldiers and were executed upon arrival at Done Kyun Island in Tenasserim Division. In July 2002, two NLD members, Cho Lwin and Kyaw Aye, disappeared while in government detention after being transferred from Kawthaung prison. Farmers Thinn Pe and Ba Sein disappeared on August 9, 2002, while in the custody of OCMI officers in Kawthaung. In September 2002, one All Burma Student Democratic Front member, Tin Tun, and three Myeik Dawei United Front members, Nian Soe, Maung Shwe, and Kyaw Myint, disappeared while in the custody of soldiers in southern Tenasserim Division.

The whereabouts of persons seized by military units to serve as porters, as well as prisoners transferred for labor or portage duties, often remained unknown. There also were reports of private citizens who were killed while serving as porters (see Section 1.a.). Family members generally learned of their relatives' fates only if fellow prisoners survived and later reported information to the families. Diplomatic representatives received a reliable report that on August 16, a 15-year-old student and 3 or 4 other youths disappeared from a Rangoon teashop and were believed to have been forcibly taken by the Government for military portering. The family was not able to locate the boy and his whereabouts remained unknown.

The Government did not provide any new information on the following disappearances from previous years: The April 2002 case of six prisoners who were taken away from the prison in Kawthaung and executed at Ngapyawjoaw village tract to the east of Zatekyi naval base; the alleged August 2002 disappearance of a villager returning from gathering food after being taken by three soldiers to the military camp at Naa Kawng Mu village in Mong Ton Township; and the July 2001 disappearance and reported execution of seven prisoners in Myeik.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are laws that prohibit torture; however, members of the security forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens. They routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. There were reports in past years that prisoners were forced to squat or assume stressful, uncomfortable, or painful positions for lengthy periods. There continued to be many credible reports that security forces subjected citizens to harassment and physical abuse. The military forces routinely confiscated property, cash, and food, and used coercive and abusive recruitment methods to procure porters. Persons forced into portage or other labor faced extremely difficult conditions, beatings, lack of food, lack of clean water, and mistreatment that at times resulted in death.

During the year, new reports surfaced of incidents in previous years in which government soldiers beat, raped, and killed persons who resisted relocation, forced conscription, or forced labor. Reports also indicate that the abuses continued during the year. For example, on June 25, the Karen National Union (KNU) reported that a pro-government Democratic Karen Buddhist Army (DKBA) commander threatened to shoot and kill 21 villagers in Paan Township, Karen State, if village heads did not send a draft of forced labor. On July 8, government soldiers commanded by Mya Htun beat villagers in Lay-Po, Karen State, and then forced them to carry army supplies.

Eyewitnesses reported that during the May 30 attack on the NLD, Government-associated attackers raped several female democracy supporters.

There were credible reports of Government soldiers raping women who were members of ethnic minorities in Shan State and other ethnic minority states (see Section 1.g.).

There was no information that the Government investigated or prosecuted anyone in a June 2002 case in which seven civilians

died during forced portage in Keng Tung, Shan State.

The Government did not provide any information indicating that it had investigated or prosecuted anyone for the following torture and abuse cases reported in 2002: The May 2002 case in which troops reportedly burned homes, tortured a village headman by shooting him in the thighs and cutting tendons in his legs, and beat other villagers; and the July 2002 case in which soldiers reportedly shot and wounded villager Saw Poe Tot in Kameik village in Tenasserim Division.

Corruption among local government officials was widespread and included complicity in the trafficking of persons (see Section 6.f.).

During the year, there were several reports of government mistreatment and exploitation of farmers. For example, in February, the Kynguangon Township Peace and Development Council arrested 82 farmers for not providing their paddy rice production quota to the local government. Across the country the Government forced farmers to sell their plots in order to raise money to buy their missed paddy quota. In Wetlet Township in Sagaing Division, local SPDC officials confiscated harvests and destroyed farms while searching for 43 farmers who did not pay their paddy quota in three villages, Saing Naing-Gyi, Musochone, and Yindaw. There were frequent and credible reports that the Government also confiscated land in northern Shan State when farmers could not repay loans taken out to buy and plant a type of Chinese rice hybrid never planted before in Shan State. The Government required the farmers to plant the new rice hybrid. There were a few reports that civil servants in several areas routinely confiscated established farm plots, forcing farmers to buy marginal land to continue their livelihood. In April, the Government ended the system of mandatory advanced sales of rice, allowing farmers to sell their entire crop at market prices, but also ending the farmers' primary source of agricultural credit.

Prison and labor camp conditions generally remained harsh and life threatening. The Government's Department of Prisons operated approximately 35 prisons and approximately 70 labor camps throughout the country (see Section 6.c.). In the prisons, food, clothing, and medical supplies reportedly were in very short supply. Bedding consisted of a single mat on the floor. Prisoners were forced to rely on their families, who were allowed to visit once every 2 weeks for 15 minutes per visit, for basic necessities. Prisoners may be held without charge for weeks or months, and until the prisoner is officially charged with a crime, families cannot visit or send critical supplementary food to the prisoner. HIV/AIDS infection rates in prison reportedly were high due to communal use of single syringes for injections. During the year, the health of several political prisoners deteriorated, and at least one political prisoner, Tin Aye, died in custody (see Section 1.a.).

The Government continued to deny prisoners adequate medical care while in prison. In June, OCMI arrested and imprisoned Soe Win, a Member of Parliament-Elect (M.P.-Elect) for the pro-democracy Party for National Democracy (PND). Diplomatic representatives affirmed when he was released over a month later from OCMI Detention Camp 26, that he suffered from bruises, blindness in one eye, impaired speech, and periodic unconsciousness. After his release, the Government claimed he had attempted suicide by taking an overdose of diuretics, but did not provide any information or proof of an investigation into this case. On September 8, 74-year-old Tin Aye, former Chairman of the University Student Union, died a month after the Government released him directly into the hospital from a lengthy prison sentence. There were reports during the year that the health of U Win Tin, a 73-year-old journalist who has been in prison since 1989 for his political activities, continued to decline. Similarly, there were serious concerns about the health of Min Ko Naing, a student leader also arrested in 1989 and subjected to years of isolation and torture and whose 15-year sentence was arbitrarily extended in 1999 for 5 more years. Chairman of the Democratic Party for New Society, Aung Zaya, who was released this year after 11 years in detention, became paralyzed from abuse and inadequate medical attention during his imprisonment and can now only crawl. The Assistance Association for Political Prisoners (AAPP) reported last year that in May 2002, prison authorities severely beat two political prisoners in Bassein prison because they submitted a complaint to the prison superintendent.

According to the Government, political detainees were separated from common criminals, juveniles from adults, and men from women. According to the ICRC, the Government's stated position is that political prisoners should not be subjected to hard labor.

During the year, the ICRC conducted periodic visits to all prisons in the country, with the goal of visiting each a minimum of once a year. ICRC visits to labor camps began in March 2000 and continued during the year. There reportedly were approximately 70 of these camps, but many were temporary, existing only long enough to complete a specific work project. The Government allowed the ICRC to perform its traditional services, such as providing medications, delivering letters to and from prisoners, and providing support for family visits to prisoners.

d. Arbitrary Arrest, Detention, or Exile

There is no provision in the law for judicial determination of the legality of detention, and the SPDC routinely used arbitrary arrest and incommunicado detention. The Penal Code allows authorities to extend sentences arbitrarily after prisoners have completed their original sentence.

The police are auxiliary forces of the military and are under direct command of military officers. They usually deal only with common crimes and do not handle political crimes. The National police force is administratively under the Ministry of Home Affairs. Corruption and impunity were serious problems due to a government-imposed system whereby police were forced to collect funds for their operations. Police typically required victims to pay substantial sums for crime investigations, and police often extorted money from the civil population. At year's end, there were no plans to reform the police force.

OCMI officers are responsible for arresting persons suspected of "political crimes" that threaten or could undermine the Government. Upon arrest, OCMI officers, or in some cases police officers, place a hood on the suspect and take him to an OCMI regional interrogation center. OCMI officers interrogate the arrested person for a period ranging from hours to months and can charge the person with a crime at any time during the interrogation. Arbitrary or false charges were common, often under the "Emergency Act of 1950," which allows for indefinite detention. In November 2002, OCMI officers arrested Shwe Maung for making a symbolic golden hat for Aung San Suu Kyi and placed him in a dark cell for 4 months before falsely charging him with "keeping stolen goods."

The Government continued to arrest and detain citizens arbitrarily. For example, on January 16, the OCMI arrested two Buddhist nuns for shouting pro-democracy slogans and handing out pamphlets in front of the Rangoon city hall. Denied legal representation, the nuns were subsequently sentenced to 3 years in prison. On May 30, the Government arbitrarily detained Aung San Suu Kyi and over 100 of her accompanying supporters. Following 4 months of incommunicado detention, Aung San Suu Kyi was transferred to house arrest while most of the others remained imprisoned in remote regions of Burma. At year's end, all but 14 have been released. The Government tightly restricted independent observers' access to her and to all other political prisoners. In the days following the May 30 attack, the OCMI detained over 100 additional NLD members across the country. Some of them were charged with political crimes, and some were simply detained arbitrarily. At year's end, all but 25 had been released. On June 3, OCMI officers arrested Ko Myo Khin for demanding that authorities reopen the NLD office in Bahan Township, Rangoon. Family members were denied access to him for months, and at year's end, he reportedly was sentenced to 3 years in Insein Prison. In December, the Government rejected his appeal; however, his family and lawyer were finally allowed to visit him. On September 23, OCMI officers and local police arrested Phon Aung for demonstrating outside Rangoon city hall and calling for the release of Aung San Suu Kyi. At year's end, his location was unknown.

In September 2002, the Government arrested at least 30 political activists in Rangoon. Among those arrested was Hla Tun, an NLD Member of Parliament (MP)-Elect from the 1990 election who had not been active in the NLD since he was released from prison in 1999. The Government eventually released several activists, including Hla Tun, but according to international press reports the Government sentenced four of the activists to 3-year prison terms. There was no information available on the many other 2002 arbitrary arrest cases.

In 2001, the Government arrested arbitrarily Soe Han, a 77-year-old highly respected and nonpolitical lawyer, and several other persons with him. They were sentenced to 21 years in prison for sending a letter to Senior General Than Shwe and then-Secretary One Khin Nyunt asking them to reopen NLD offices. At year's end, all remained incarcerated.

The Government arbitrarily extends prison sentences under the "Law Safeguarding the State from the Dangers of Subversive Elements." The Minister of Home Affairs can impose the law every 2 months for a year, and the SPDC Chairman can add 5 years to a sentence. On March 30, Kyaw Hsan, a 74-year old M.P.-Elect and retired army colonel, completed his politically motivated 10-year prison term and was being released; however, when in sight of his family at the prison gate he was forced to return to his cell. At year's end, he was still being held indefinitely in prison. In Mandalay, 10 political prisoners, including Ne Win, Tin Aye Yu, Tin Myint, Tin Aye, Zarni Aung, Thein Than Oo, Kyaw Sein Maung, Naing Myint, Htay Nyunt, and Soe Myint, completed their terms but were not released. In April, the Government released three prisoners held under this law: Zaw Min, Dr Htay Thein, and Tin Myint. At year's end, the Government was holding approximately 50 students and political activists in prison beyond the expiration of their sentences under this law, including Min Ko Naing, who was reportedly in poor health.

The Government informed diplomatic representatives that by September, it had either released or charged all political prisoners arrested formally in connection with the May 30 attack on the NLD convoy. However, diplomatic representatives noted that the Government prevented approximately a dozen families from making prison visits, indicating that the Government had not charged all political prisoners detained on May 30, and is likely holding them indefinitely under the Law Safeguarding the State from the Danger of Subversive Elements.

Authorities continued to detain private citizens and political activists, some of whom disappeared, at times temporarily, at the hands of security forces (see Section 1.b.).

During the year, the authorities did not detain or deport any foreign journalists.

The abrogated 1974 Constitution did not provide for forced exile, and the Government did not use forced exile.

e. Denial of Fair Public Trial

The judiciary is not independent of the Government. The SPDC appoints justices to the Supreme Court who, in turn, appoint lower court judges with the approval of the SPDC. These courts then adjudicate cases under decrees promulgated by the SPDC that effectively have the force of law. The court system includes courts at the township, district, state, and national levels.

During the year, the Government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the British-era legal system formally were in place, the court system and its operation remained seriously flawed, particularly in regard to the handling of political cases. The misuse of overly broad laws--including the Emergency Provisions Act, the Unlawful Associations Act, the Habitual Offenders Act, and the Law on Safeguarding the State from the Danger of Destructionists--and the manipulation of the courts for political ends continued to

deprive citizens of the right to a fair trial. Pervasive corruption further served to undermine the impartiality of the justice system.

There is a fundamental difference between criminal and political trial procedures. Some basic due process rights, including the right to be represented by a defense attorney, generally were respected in criminal cases, but not in political cases that the Government deemed especially sensitive. In criminal cases, defense attorneys generally are permitted 15 days to prepare for trial, are permitted to call and cross-examine witnesses, and can be granted a 15-day delay for case preparation; however, their primary purpose is to bargain with the judge to obtain the shortest possible sentence for their clients. Reliable reports indicate that senior military authorities dictate verdicts in political cases, regardless of the evidence or the law. Political trials are not open to the public. None of the NLD members or the hundreds of pro-democracy supporters arrested on May 30 and immediately afterwards were given public trials.

During the year, there were no new arrests of lawyers perceived to have NLD connections, and NLD members appeared to be able to retain the counsel of lawyers without fear of the lawyers being imprisoned; however, approximately 20 of the more than 40 lawyers jailed in 2000 remained imprisoned at year's end.

During the year, the majority of prison releases were of prisoners who had completed or nearly completed their sentences, or who were in poor health. The Government required most political prisoners to sign a release form agreeing to serve the remainder of their terms if rearrested for any reason. For example, following the May 30 attack on Aung San Suu Kyi and NLD members, the Government detained M.P.-Elect Hla Min for one month, released him, and immediately re-imprisoned him to serve the remainder of a previous prison term.

At year's end, the ICRC reported there were approximately 3,500 "security detainees" in the country (see Section 1.d.). Of these, diplomatic observers estimated 1,300 were political prisoners, of which 38 were NLD M.P.s-Elect from the 1990 elections. Among prisoners released this year was Professor Salai Tun Than, a 74-year-old academic who was sentenced to 7 years' imprisonment in March 2002 for staging a peaceful protest in November 2001. Ninety-one of the NLD and pro-democracy supporters arrested on May 30 who were not charged were released within 2 months.

In 2000, the Government allowed Aung San Suu Kyi's brother, who is not a Burmese citizen, to file a suit against her seeking half ownership of the family compound in which she resided. The case widely was believed to be motivated politically, because the Government generally did not allow foreigners to file claims for property against citizens. In fact, the Government had to grant a special authority to the brother for the case to be filed at all. The trial was public and lasted for several months. The case eventually was dismissed for having been filed improperly. However, the Government granted the brother authority to file a second suit, and in October 2002, the judge presiding over the case ruled that Aung San Suu Kyi's brother had the right to inherit the property under Buddhist customary law. The case was continuing at year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The abrogated 1974 Constitution did not provide for rights to privacy, and authorities infringed routinely on citizens' privacy rights. The military Government interfered extensively and arbitrarily in the lives of citizens. Through its pervasive intelligence network and administrative procedures, the Government systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically.

The law requires that any person who spends the night at a place other than his registered domicile inform the police in advance, and that any household that hosts a person not domiciled there to maintain and submit to the police a guest list. Security forces significantly increased surveillance of civilians following the May 30 Depeyin attack and also after various bombings in Rangoon during the year. Ward-level SPDC officials stepped up extensive unannounced nighttime checks of residences for unregistered visitors.

Security personnel regularly screened private correspondence and telephone calls. The authorities generally continued to discourage citizens from subscribing directly to foreign publications (see Section 2.a.).

The Government continued to control and monitor closely the licensing and rationing of all two-way electronic communication devices. Possession of an unregistered telephone, facsimile machine, or computer modem was punishable by imprisonment (see Section 2.a.). For example, users of unregistered cordless telephones in the country face up to 3 years' imprisonment, and/or a steep fine.

Weak private property rights and poor land ownership records facilitated involuntary relocations of persons by the Government. The law does not permit private ownership of land; it recognizes only different categories of land-use rights, many of which are not freely transferable. Post-colonial land laws also have revived the pre-colonial tradition that private rights to land were contingent upon the land being put to productive use.

For decades successive military governments have applied a strategy of forced relocation against ethnic minority groups in an effort to deny support to armed ethnic groups; such forced relocations continued during the year, particularly during the dry season offensives along the Thai border. The forced relocations reportedly often were accompanied by rapes, executions, and demands for forced labor to build infrastructure for villagers and military units. To make way for commercial or public construction and, in some cases, for reasons of internal security and political control, the SPDC forcibly relocated citizens to

"new towns." This practice of setting up new towns has become somewhat less common in recent years. Persons relocated to new towns generally suffered from greatly reduced infrastructure support. Residents targeted for displacement generally were given no option but to move, usually on short notice (see Sections 1.c. and 2.d.).

A September 2002 report by a highly respected private citizen in Thailand estimated more than 2,500 villages have been destroyed or forcibly relocated by government forces since 1996, displacing more than 600,000 citizens. The report estimated that more than 350,000 of these citizens were moved to government-controlled "relocation centers," while the remainder lived in hiding. This practice was particularly widespread in the Shan, Kayah, and Karen States, and in areas of Mon State and Pegu Division. In these areas, thousands of civilian villagers were displaced from their traditional villages, which often were burned to the ground and moved into settlements tightly controlled by SPDC troops in strategic areas. In other cases, villagers who fled or were driven from their homes, found shelter in the forest, frequently in heavily mined areas without adequate food, security, or basic medical care.

The forced relocations often generated large refugee flows to neighboring countries or to parts of the country not controlled by the Government. In some areas, the Government replaced the original ethnic settlements with settlements of ethnic Burmans. In other areas, army units forced or attempted to force ethnic Karens to relocate to areas controlled by the DKBA.

Military units also routinely confiscated livestock, fuel, food supplies, fishponds, alcoholic drinks, vehicles, or money. Such abuses have become widespread since 1997, when the junta ordered its regional commanders to meet their logistical needs locally rather than rely on the central authorities. As a result, regional commanders increased their use of forced contributions of money, food, labor, and building materials throughout the country (see Sections 1.c. and 6.c.).

In violation of international humanitarian law, both army and insurgent units used forced conscription, including conscription of children (see Sections 1.g. and 6.c.).

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. In the case of the Government's mass mobilization organization, the Union Solidarity and Development Association (USDA), the Government used coercion and intimidation to induce many persons, including nearly all public sector employees and school students, both to join the union and to attend meetings in support of the Government (see Section 2.a.).

In the past, authorities, including senior officials, repeatedly warned parents that authorities could hold them responsible for any political offenses committed by their children; however, there were no reports of this practice during the past 2 years.

The Government's intelligence services also monitored the movements of foreigners and questioned citizens about conversations with foreigners. Government employees generally were required to obtain advance permission before meeting with foreigners. During the year, international NGOs officially were required to ensure that a representative from a government ministry accompanied them on all field visits (at the NGOs' expense). Though the requirement was impractical and was not always enforced, it was more fully enforced during times of official anxiety about democratic opposition activities. Diplomatic missions were at times also subjected to the requirement (see Section 4).

Marriages between female citizens and foreigners were officially banned; however, the ban was not enforced.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Since independence in 1948, large numbers of ethnic insurgent groups have battled government troops for autonomy or independence from the Burman-dominated state. Since 1989, 17 groups have concluded cease-fire agreements with the Government. Under the agreements, the groups have retained their own armed forces and performed some administrative functions within specified territories inhabited chiefly by members of their own ethnic groups. However, a few groups remained in active resistance. The KNU continued to conduct insurgent operations in areas with significant Karen populations in the eastern and southern regions of the country. In Kayah State, the KNPP resumed fighting against the Government since the breakdown of a cease-fire negotiated in 1995. In southern Shan State, the SSA-South continued to resist the Burmese Army's presence in their traditional territory.

During the year, diplomatic representatives received credible first-hand accounts that in April 2002, government troops tortured and detained seven Karen clergymen in Paan, Karen State, and in Moulemein, Mon State. The soldiers also confiscated 13 cows, 5 bullock carts, and household goods, and extorted money before burning down 2 churches and 11 houses. Two clergymen were held for 2 months before release and were forced to sign a statement saying they were not mistreated. The Government ordered the National Investigation Bureau, a division of the National Police Force, to investigate the incident; however, there was no information that the Government prosecuted any of the soldiers for the abuses.

According to an April report from Refugees International (RI), titled "No Safe Place: Burma's Army and the Rape of Ethnic Women," the Burmese military used rape on a widespread basis over the previous 4 years against ethnic Karen, Mon, Karenni, and Tavoyan women in a pattern of abuse designed to control and terrorize ethnic populations. During a month of interviews on the Thai-Burma border, RI independently substantiated 23 rape cases and learned of over 75 more. As of year's end, the Government had not officially responded to the RI report.

RI and other NGOs reported that Burmese Army soldiers raped numerous women in Shan State and other ethnic regions in 2002 and during the year. For example, on April 5, a captain raped a 20-year-old woman in a township in Shan State, while another soldier restrained her husband. On April 7, the woman and her husband reported the rape to SPDC authorities in the area; however, after no action was taken they began to fear for their safety and fled across the border to Thailand. On August 16, a captain and 20 other soldiers gang-raped a woman in a village in a township in Shan State. The captain then threatened to punish the village headman and the villagers if anyone reported the rape. In April 2002, 5 or 6 soldiers gang-raped a 37-year-old woman in Wan Hi Seng Township. In August 2002, soldiers reportedly raped four women in Wan Kun Lu Township, Shan State. Also in August 2002, soldiers raped a 37-year-old woman in Lai Ka Township. There was no information that the Government investigated these abuses.

In May 2002, the SHRF and Shan Women's Action Network (SWAN) alleged that the Burmese Army used rape as a systematic weapon of war against the ethnic populations in Shan State. The report described 173 incidents of rape or sexual violence against 625 women and girls committed by soldiers from 52 military battalions between 1992 and 2001. The report concluded that given the brutality of the rapes (the report stated that 25 percent of the rapes resulted in death), the incidence of rapes by officers (83 percent), and the impunity with which they were carried out, the rapes were condoned by the Government in order to terrorize and subjugate the ethnic Shan. There were corroborating reports on rapes and sexual violence by the military in Shan State and elsewhere, including first-hand accounts from rape victims documented by diplomatic representatives.

The Government denied the SHRF/SWAN allegations of systematic rape and ordered three internal reviews. In August 2002, the Government claimed that no soldiers were involved in the rapes. In October 2002, the Government stated it continued to investigate the allegations and had found evidence of five cases of rape similar to those described in the SHRF/SWAN report. The Government stated it provided copies of its report on the investigations to the international community and to the UNSRHR, Paulo Sergio Pinheiro. However, according to Pinheiro, the investigations were undertaken by military and other government personnel with no special skills or experience in investigating human rights allegations. The investigations reportedly consisted of prearranged, large, collective, and public meetings with local officials, organized by military personnel. There has been continued international pressure on the Government to allow an independent assessment of the allegations and to take appropriate actions to prevent rape and sexual abuses by the military. By year's end, the Government had not allowed Pinheiro to visit the conflict areas in the Shan State to corroborate the information provided to him about Burmese Army rapes in his own previous interviews with refugees in Thailand.

The Government took some action on one rape case reported in 2002: The August 2002 case in which an army captain reportedly raped a 4-year-old child in Yusomoso, a mainly Catholic village in Timoso Township in Kayah State. Military authorities reportedly offered the villagers approximately \$20 (20,000 kyat) to drop the case. In early 2003, after pressure from a Burmese religious leader, the Government arrested the captain and relieved his battalion commander of command; however, local army officers warned village leaders to report further problems to the military, not to their church.

There is no information that the Government investigated or prosecuted anyone for the following rape cases in 2002: The October case of two soldiers who beat and raped a woman doing laundry near Keng Tung Township and threw her unconscious into the river, and the October case of six or seven soldiers who reportedly raped two women in Mung-Khark Township or the hundreds of other cases reported by NGOs.

In central and southern Shan State, security forces continued to engage the SSA-South. The military maintained a program of forced relocation of villagers in that region to SPDC-controlled sites that reportedly was accompanied by killings, rapes, and other abuses of civilian villagers. AI reported in 2002 that 90 percent of the civilians from Shan State interviewed in Thailand in February said they had been subjected to unpaid forced labor by the military within the previous 18 months.

According to credible but unconfirmed KNU press releases, government troops used systematic and widespread excessive force in conflict areas in eastern Burma during the year. On June 30, combined troops of the Burmese Army and a DKBA unit arrested and tortured a villager in Noe-aw-lar village, Paan Township. When he later escaped, the troops extorted \$450 (450,000 kyat) and a cow from his mother. On July 5, soldiers extorted \$200 (200,000 kyat) worth of food from the villagers in Sha-zi-bo village, and abducted a woman from Zi-pyu-gon village. At year's end, it was not known if she had been released. On July 22, in Nyaung-lay-bin district, government troops shot and killed a man from Thaw-nge-doe village, Kyauk-kyi Township, and took \$50 (50,000 kyat) from his body.

From August 5 until mid-October, government soldiers reportedly forced villagers from Na Bue Township to porter ammunition and supplies and to act as mine sweepers for the troops. Many villagers and prisoners have been killed or injured from subsequent landmine explosions.

There is no information that the Government investigated or prosecuted anyone for the following 2001 abuses: The January 2001 case in Murg-Nai in which military troops beat to death a Palaung man, raped his wife, and stole his property; the March 2001 case in which government troops gang-raped a woman in Morn-Ton Township after troops had tortured and killed her uncle; and the April 2001 case in which government soldiers reportedly raped a woman and extorted money from other villagers near Naa Ing village in Shan State.

According to a 2002 Human Rights Watch (HRW) report, government troops conscripted children as young as the age of 11 (see Section 5).

Active insurgent groups included the Chin National Front, the Naga National Council, the Arakan-Rohingya Solidarity Organization (ARNO), the SSA-South, and the KNU (including its affiliate the Karen National Liberation Army). Some members of the insurgent groups committed serious abuses. For example, according to a government report, the KNU blew up a cinema hall on May 16 in Phyu Township, Pegu Division, injuring 50 people. The KNU denied responsibility. According to another government report, the KNPP killed seven villagers in 2001 who refused to join their ranks in Loikaw Township. UNICEF, AI, and HRW reported that insurgent groups as well as government forces recruited child soldiers (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law permits the Government to restrict freedom of speech and freedom of the press, and in practice the Government continued to restrict these freedoms severely and systematically during the year. The Government continued to arrest, detain, convict, and imprison citizens for expressing political opinions critical of the Government, and for distributing or possessing publications in which opposition opinions were expressed (see Sections 1.d. and 1.e.). Security services also monitored and harassed persons believed to hold anti-government opinions.

Legal restrictions on freedom of speech have intensified since 1996, when the Government issued a decree prohibiting speeches or statements that "undermine national stability." In all regions of the country, the Government continued to use force to prohibit virtually all public speech critical of it by all persons, including persons elected to Parliament in 1990, and by leaders of political parties. The Government has pursued this policy consistently since 1990, with few exceptions.

There was a report from the Democratic Voice of Burma that the OCMI arrested five editors of the sports journal First Eleven for publishing articles on corruption in local sports. The Government charged two editors: Zaw Thet Htwe, a former student leader, and Win Pa Pa Hlaing, daughter of NLD MP-Elect Ohn Kyaing. In November, Zaw Thet Htwe was sentenced to death. In August 2001, a monk named Ashin Pandita reportedly was derobed and detained at a police station for criticizing economic and political conditions in a sermon at the Mahamyatmunni Payagyi Pagoda in Mandalay. No additional information was available at year's end.

Early in the year, the Government permitted the NLD to conduct some public meetings and reopen local offices. The NLD continued to press for substantive dialogue on political reform with the Government and publicly voiced criticisms of the policies or actions of the Government. After the May 30 attack on Aung San Suu Kyi's NLD convoy, public meetings were banned and the security services immediately clamped down on already restricted political speech (see Sections 1.a. and 1.d.).

Many prominent writers and journalists remained in prison for expressing their political views. The Paris-based organization Reporters Sans Frontieres reported that at least 16 journalists remained in prison at year's end, including Ohn Kyaing, better known by his pen name Aung Wint, who wrote articles in favor of democracy and also was a NLD M.P.-Elect from Mandalay. He has been in prison since 1990. Government censorship boards prohibited publication or distribution of works authored by those in prison.

During the year, the Government arrested dozens of persons for distributing anti-government leaflets, including Thet Naung Soe, Nandar Sit Augn, Zaw Lin Tun, Kyaw Soe Moe, Kyaw Kyaw, and Win Ko. In January, the Government arrested two Buddhist nuns, Than Than Htay and Thin Thin Oo, and sentenced them to 13 years for staging a protest in front of the Rangoon city hall.

The Government owned and controlled all daily newspapers and domestic radio and television broadcasting facilities. These official media remained propaganda organs of the Government and usually did not report opposing views except to criticize them. The only partial exception was the Myanmar Times, an expensive English-language weekly newspaper, targeted at the foreign community in Rangoon. Although the Myanmar Times was censored and was pro-government, the newspaper occasionally reported on criticisms of government policies by the U.N. and other international organizations.

All privately owned publications, including the Myanmar Times, remained subject to prepublication censorship by state censorship boards. Due in part to the time required to obtain the approval of the censors, private news periodicals generally were published monthly. However, since 1996 the Government has given transferable waivers of prepublication censorship for weekly periodicals. As a result, weekly tabloids proliferated. Government controls encouraged self-censorship, and publications generally did not report domestic political news.

Imported publications remained subject in principle to pre-distribution censorship by state censorship boards, and possession of publications not approved by the state censorship boards remained a serious offense. Cases involving pro-democracy literature included one case in which the Government imprisoned approximately a dozen students for distributing uncensored leaflets describing the May 30 attack. The Government also restricted the legal importation of foreign news periodicals and discouraged subscriptions to foreign periodicals; however, foreign newspapers could be purchased in Rangoon. Starting in 2001 some foreign newspapers and magazines were distributed uncensored.

Since 1997, the Government issued few visas to foreign journalists and has held only a handful of press conferences on political subjects. Journalists were frequently blacklisted. In previous years, several journalists who entered the country as tourists were

detained and deported by the Government. During the year, the Government held several press conferences, including one on Trafficking in Persons and another on the May 30 attack and allowed Burmese representatives of international media sources to attend; however, the local press did not publish any questions or answers from the press conference that dealt with the May 30 attack.

Due to widespread poverty, limited literacy, and poor infrastructure, radio remained the most important medium of mass communication. News periodicals rarely circulated outside urban areas. The Government continued to monopolize and control the content of the two domestic radio stations. Foreign radio broadcasts, such as those of Radio Free Asia, the Voice of America, the BBC, Democratic Voice of Burma, and Radio Veritas Burmese Service remained the principal sources of uncensored information. Diplomatic sources reported that ownership of small radio receivers increased significantly over recent years due to government relaxation of import restrictions, which allowed affordable Chinese-made radios to flood the market.

The Government continued to monopolize and to control tightly all domestic television broadcasting, offering only an official channel and an armed forces channel. In 2001, the Government loosened controls over the use of satellite television that allowed the general population to register satellite receivers for a fee. Previously only a few businesses and individuals with special connections to the Government were allowed licenses for satellite receivers. Illegal satellite television was also available, but access to satellite television remained far beyond reach of the vast majority of the population due to widespread and severe poverty and, outside of urban areas, due to lack of electricity. The Television and Video Law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board; however, this law was only selectively enforced.

The Government systematically restricted access to electronic media. All computers, software, and associated telecommunications devices were subject to registration, and possession of unregistered equipment was punishable by imprisonment (see Section 1.f.).

The Ministry of Defense operated the country's only known Internet server and offered expensive, limited Internet services to a small number of customers. There are several Internet cafes and service providers; however, access was cost prohibitive and the Government restricted full access to the web and prohibited the use of commercial "free e-mail" providers. The Government also monitored all e-mail communications.

The Government continued to restrict academic freedom severely. University teachers and professors remained subject to the same restrictions on freedom of speech, political activities, and publications as other state employees. The Ministry of Higher Education routinely warned teachers against criticizing the Government. It also instructed them not to discuss politics while at work; prohibited them from joining or supporting political parties or from engaging in political activity; and required them to obtain advance ministerial approval for meetings with foreigners. Like all state employees, professors and teachers have been coerced into joining the USDA, the Government's mass mobilization organization. Teachers at all levels also continued to be held responsible for the political activities of their students. Foreigners were not permitted on university campuses without prior approval and were not allowed to attend any meetings involving students, including graduation ceremonies.

The Government took a number of special measures to limit the possibility of student unrest. Campuses were moved to relatively remote areas, teachers and students were warned that disturbances would be dealt with severely, and on-campus dormitories were closed, which disrupted university life. The quality of education deteriorated to such an extent that many students opted to use self-study or private tutoring. Immediately after the May 30 attack on the NLD, the Government closed the University of Distance Education and the Rangoon Arts and Science University for 3 weeks. The Government placed heavy security around the other schools that remained open.

The Government tightly controlled the limited number of private academic institutions in the country as well as what they were allowed to teach.

b. Freedom of Peaceful Assembly and Association

The law limits the freedom of assembly, and the Government restricted it in practice. An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although the ordinance was not enforced consistently. The Government imposed a complete ban on all NLD party activities following the May 30 events, and the 9 other legally registered political parties were required to request permission from the Government to hold meetings of their members; nevertheless, meetings occurred without Government permission.

The Government continued its decade-long policy of preventing the Parliament elected in 1990 from convening. Following the May 30 attack on the NLD, the Government tightened restrictions and closed every NLD office in the country.

In previous years, authorities used force to prevent pro-democracy demonstrations, punish participants and organizers in pro-democracy demonstrations and meetings, and detained or imprisoned persons suspected of planning and organizing such demonstrations (see Section 1.c.). Prior to May 30, authorities increased attempts to prevent the public from coming out to see Aung San Suu Kyi when she traveled to Chin State, Irrawaddy Division, Kachin State, Rakhine State, and Sagaing Division, ostensibly on the grounds that outdoor political gatherings of any type were illegal. The authorities blockaded streets and told citizens to stay home. The Union Solidarity and Development Association (USDA), a pro-government mass organization created

by the SPDC, handed out leaflets that questioned Aung San Suu Kyi's patriotism and discouraged citizens from showing any support for her. Tens of thousands of supporters defied authorities and attended Aung San Suu Kyi's speech. Authorities detained or interrogated hundreds of NLD supporters after the NLD leader's departure.

The Government forced civil servants to join the USDA, which subsequently staged mass rallies supporting government policies.

During the first 5 months of the year, Government security forces failed to protect peaceful NLD assemblies from violence in Rakhine State, Kachin State, Sagaing Division, and Irrawaddy Division. The USDA and the Government-sponsored intimidation group "Members of People's Power" were allowed or encouraged to verbally and physically attack the NLD assemblies in each case.

The Government at times interfered with the assembly of religious group members (see Section 2.c.).

In the past, while the Government allowed the NLD to celebrate certain key party events with public gatherings, it restricted the size of the gatherings and the individuals who were allowed to attend. For example, in September 2001, the NLD held a ceremony to commemorate the third anniversary of the Committee Representing the People's Parliament (CRPP) and the Government responded by surrounding NLD headquarters with Military Intelligence (MI) personnel. In 2000, the Government prevented Aung San Suu Kyi from attending party meetings in Rangoon. Early in the year, the Government lifted most of these restrictions on NLD activities but, after May 30, all opposition political assemblies and meetings were banned.

The Government restricted freedom of association, particularly in regard to members of the NLD. The Government tried to coerce hundreds of NLD members to resign from their party positions. Additionally, the Government targeted all nongovernmental organizations (NGOs) and other groups in the country through an aggressive anti-NLD, anti-West media campaign. Targets included U.N. agencies, international and local NGOs, political parties, ethnic groups, and foreign diplomatic missions.

The Government further violated the right of association by compelling civil servants to join the USDA pro-regime mass organization. The Government coerced secondary school and college level students to join when registering for classes. The Government also coerced skilled trades workers and professional association members to join the USDA.

In general, freedom of association existed only for government-approved organizations, including trade associations and professional bodies, such as the Forest Reserve Environment Development, the Conservation Association, and the USDA. Few secular, nonprofit organizations existed, and those that did took special care to act in accordance with government policy. There were 10 legally registered political parties, but most were moribund.

c. Freedom of Religion

The abrogated 1974 Constitution permitted restrictions on religious freedom, stating, "the national races shall enjoy the freedom to profess their religion... provided that the enjoyment of any such freedom does not offend the laws or the public interest." Most religious adherents duly registered with the authorities generally were free to worship as they chose; however, the Government imposed restrictions on certain religious activities and promoted Buddhism over other religions in some ethnic minority areas. In practice, the Government also restricted efforts by Buddhist clergy to promote human rights and political freedom.

The Government's pervasive internal security apparatus sought to infiltrate or monitor meetings and activities of virtually all organizations, including religious organizations. Religious activities and organizations also were subject to restrictions on freedom of expression and association. In addition, the Government controlled and censored all publications, including religious publications (see Section 2.a.).

Although an official directive exempts "genuine" religious organizations from registration, in practice only registered organizations were allowed to buy or sell property or open bank accounts. In addition, the Government provided some utilities at preferential rates to recognized religions. There was no official state religion; however, the Government continued to show preference for Theravada Buddhism, the majority religion. For example, the Government funded the construction of the International Theravada Buddhist Missionary University in Rangoon. State-controlled news media frequently depicted SPDC members paying homage to Buddhist monks; making donations at pagodas throughout the country; officiating at ceremonies to open, improve, restore, or maintain pagodas; and organizing ostensibly voluntary "people's donations" of money, food, and uncompensated labor to build or refurbish Buddhist religious shrines. Buddhist doctrine remained part of the state-mandated curriculum in all elementary schools; however, individual children generally were permitted to choose not to receive instruction in Buddhism. There continued to be widespread reports that Government officials compelled both Buddhists and non-Buddhists to contribute money, food, or uncompensated labor to state-sponsored projects to build, renovate, or maintain Buddhist religious shrines or monuments. There were some credible reports during the year that non-Buddhists were forced to build pagodas.

The Government continued its efforts to control the Buddhist clergy ("sangha"). The Government authorized military commanders to try members of the sangha before military tribunals for "activities inconsistent with and detrimental to Buddhism," and imposed on the sangha a code of conduct that was enforced by criminal penalties. The Government also subjected the sangha to special restrictions on freedom of expression and freedom of association (see Section 2.a.). The

military Government prohibited any organization of the sangha other than the nine state-recognized monastic orders under the authority of the State Clergy Coordination Committee ("Sangha Maha Nayaka Committee," SMNC). The Government prohibited all religious clergy from being members of any political party.

The Government continued to restrict the building, education, and proselytizing activities of minority religious groups.

Christian groups continued to have difficulties in obtaining permission to build new churches. The Government reportedly denied permission for churches to be built along main roads in cities such as Myitkyina, the capital of Kachin State. In 2001 in Rangoon, authorities closed more than 80 home-churches because their operators did not have proper authorizations to hold religious meetings. During the year, Christian clergy from Karen and Chin States, and from new satellite towns around Rangoon, reported that the Government continued to force them to close home-based chapels.

Muslims again reported that in some locations they were banned from constructing new mosques during the year. During the previous 2 years, local authorities in Rakhine State scheduled approximately 40 mosques for destruction because reportedly they were built without permission. Thirteen mosques were destroyed before the authorities intervened at the request of the UNHCR. To ensure mosques were not rebuilt, some were replaced with government owned buildings, monasteries, and Buddhist temples. During the year, the Government granted authorization in writing to repair existing mosques in some locations.

In most regions of the country, Christian and Muslim groups that sought to build small churches or mosques on side streets or other inconspicuous locations at times were able to proceed, but only based on informal approval from local authorities. These groups reported that formal requests encountered long delays and generally were denied.

In October, there were several incidents of Buddhist-Muslim violence near Mandalay and in Rangoon. Muslim groups in Rangoon claimed that seven persons were killed and two mosques were destroyed in the violence near Mandalay. It was unclear what sparked these clashes. Although it was slow to react to the Mandalay area violence, the Government reacted quickly in Rangoon, sending troops into Muslim neighborhoods and imposing a strict curfew on Buddhist monasteries. This latter action caused resentment among many Buddhist monks, and the authorities arrested several monks for not observing the curfew.

The Government discriminated against non-Buddhists at upper levels of the public sector. The Government retired the only non-Buddhist who served at the ministerial level, and the same person, a Brigadier General, was the only non-Buddhist known to have held flag rank in the armed forces since the 1990s. The Government actively discouraged Muslims from entering military service, and Christian or Muslim military officers who aspired to promotion beyond the grade of major were encouraged by their superiors to convert to Buddhism. In some ethnic minority areas, such as Chin State, there were reports that the SPDC offered troops financial and career incentives to marry Christian Chin women, teach them Burmese, and convert them to Buddhism.

The Government discourages proselytizing by all clergy. Evangelizing religions, like some Christian denominations and Islam, were most affected by these restrictions. In general, the Government has not allowed permanent foreign religious missions to operate in the country since the mid-1960s, when it expelled nearly all foreign missionaries and nationalized all private schools and hospitals.

Religious publications remained subject to control and censorship (see Section 2.a.). Translations of the Bible and Koran into indigenous languages could not be imported legally; however, with the Government's permission, Bibles in indigenous languages were permitted to be printed locally.

There continued to be evidence that Christian Chins were pressured to attend Buddhist seminaries and monasteries and were encouraged to convert to Buddhism. Local government officials reportedly separated the children of Chin Christians from their parents under the pretense of providing them free secular education, and lodged the children in Buddhist monasteries in which they were given religious instruction and converted to Buddhism without their parents' knowledge or consent. Reports suggested that the Government sought to induce members of the Naga ethnic group to convert to Buddhism by means similar to those it used to convert members of the Chin to Buddhism.

Citizens and permanent residents of the country were required to carry Government-issued national registration cards that in a large number of cases indicate religious affiliation. There appeared to be no consistent criteria governing whether a person's religion was indicated on his or her identification card. Citizens also were required to indicate their religion on some official application forms, such as passports.

For a more detailed discussion, see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27765pf.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government restricted freedom of movement. Most citizens, except Muslims traveling to and from Rakhine State and some political party members, were able to travel within the country, although their movements were monitored and they were required to notify local officials of their whereabouts (see Section 1.f.). Movement was limited in areas of armed conflict. Urban

and rural residents were subjected to relocation.

In past years, the Government rigorously curtailed freedom of movement of opposition political leaders. Between May 2002 and May 2003, following her release from house detention, Aung San Suu Kyi traveled to several states and divisions. Early in the year, government-affiliated groups increasingly harassed democratic opposition members during travel outside of Rangoon, culminating in the attack on May 30 and the subsequent arrest and detention of the survivors (see Sections 1.d. and 2.b.). The Government maintained close control over ethnic leaders' movements, requiring them to seek permission from the Government before making any domestic trips.

Since 2001, the Government implemented policies to consolidate the border with Bangladesh and to further control the movement of Muslim Rohingyas in border and interior areas; however, the border remained relatively porous.

The Government refused to accept Burmese deportees from other countries, but accepted the return of several thousand illegal migrants from Thailand.

The Government also carefully scrutinized prospective travel abroad. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay large bribes from \$300 (300,000 kyat) on average, the equivalent of a yearly salary, to \$1,000 (1 million kyat) for a single female under 25. The official board that reviews passport applications has denied passports on political grounds. All college graduates who obtained a passport (except for certain official employees) were required to pay a special fee to reimburse the Government for the cost of their education. Citizens who emigrated legally generally were allowed to return to visit relatives, and some who lived abroad illegally and acquired foreign citizenship also were able to return.

Residents unable to meet the provisions of the citizenship law, such as ethnic Chinese, Arakanese Muslims, and others, were required to obtain prior permission to travel internally. Since the mid-1990s, the Government also has restricted the issuance of passports to female citizens (see Sections 5 and 6.f.).

The Government prohibited some foreign diplomats and foreign employees of U.N. agencies based in Rangoon from traveling outside the capital without advance permission. The Government waived the requirement for the ILO. The Government required all foreign and local residents, except diplomats, to apply for authorization to leave the country.

Restrictions on foreigners' travel to some areas of the country were eased as part of an effort to promote tourism. Burmese embassies now generally issue tourist visas, valid for 1 month, within 24 hours of application. However, certain categories of applicants, such as foreign human rights advocates, journalists, and political figures were denied entry visas regularly unless traveling under the aegis of a sponsor acceptable to the Government and for purposes approved by the Government.

There were a large number of internally displaced persons (IDPs) in the country. In December 2002, the U.S. Committee for Refugees reported that the country had an estimated 600,000 to 1 million IDPs. In 2002, NGOs based in Thailand estimated that the Government moved forcibly more than 250,000 citizens from their villages and districts to live near or along the Thai border (see Section 5). These NGOs estimated that more than 350,000 IDPs resided in government relocation sites.

During the year, the military continued to abuse thousands of villagers and drove them from their homes, particularly during the course of military campaigns in Karen, Kayah, and Shan States (see Section 1.f.). In July, the Burmese Army and the DKBA launched a military campaign against the KNU, and by mid-October had displaced over 500 civilians. Diplomatic representatives received reports that the Burmese Army conscripted many villagers unable to flee to Thailand for forced labor or portering, specifically from villages in the Mae-Ple-Doe area of Paan Township, Karen State. In January 2002, AI reported that a 75-year-old Shan man had stated that he and his family fled to Thailand after government troops and United Wa State Army (UWSA) troops confiscated all their land, arrested villagers, looted homes, raped numerous women, and drove them out of their village. He reported that between 500 and 600 UWSA troops occupied the area, and that he received no compensation for the loss of his woodlands, orchards, and fields. There were no reports of the Government investigating or prosecuting anyone for these abuses.

Reports of forced relocation in urban areas lessened on the whole; however, since late 2002 there were still reports of the Government forcibly relocating households for "security" reasons. In Rangoon there were several commercially motivated forced relocations. In one case, the Government forced retired civil servants, who had lived for generations in downtown Rangoon, to move out with inadequate compensation. Senior Government officials ignored appeals, and under duress many residents accepted relocation to apartments estimated to be worth approximately 10 percent the value of their vacated homes. There were numerous reports that Government troops looted and confiscated property and possessions from forcibly relocated persons, or persons who were away from their homes; these materials often were used for military construction. Diplomatic representatives reported that commandeering privately owned vehicles for military transport without compensating the vehicle owners was also commonplace throughout the country.

Ethnic minority areas previously affected by conflict, such as the large Karen areas of Irrawaddy Division, continued to experience tight controls on personal movement, including more frequent military checkpoints, closer monitoring by military intelligence, and larger military garrisons. "Informal taxes," or bribes, were extracted from all nationalities at checkpoints in border areas. In Rakhine State, many controls and checkpoints applied only to the Muslim population (see Section 5).

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and, in practice, the Government generally neither provides protection against refoulement nor grants refugee or asylum status. Harassment, fear of repression, and deteriorating socio-economic conditions continued to force many citizens into neighboring countries and beyond. In the border regions populated by minority ethnic groups, the Government continued its practices of forced labor, confiscation of lands, compulsory contributions of food, and forced relocations. These policies produced thousands of refugees in neighboring countries such as Thailand, China, and India. One report from Kachin State alleged that in May 2001, 3,000 Naga villagers fled the country into northeastern India when SPDC troops launched an offensive against Naga separatists. During the year, their numbers swelled to 15,000, after which they were pressured to return to Burma. They are now reportedly stuck in difficult conditions on the Indian side of the Burma-India border. The security forces reportedly burned villages and laid landmines to discourage villagers from returning. During 2002, harsh conditions in Shan State compelled an exodus to Thailand, with estimates that approximately 10,000 Shan may have relocated there during the year (see Section 1.f.). Rohingya Muslims who have returned to Rakhine State were not stigmatized for having left Burma, but were discriminated against for being Rohingya. Returnees claimed that they faced restrictions on their ability to travel and to engage in economic activity.

There were no reports that persons formally sought asylum in the country during the year. There were no reports of forced repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens did not have the right to change their government. The SPDC continued to prevent the Parliament elected in 1990 from convening.

Since 1962, active duty military officers have occupied the most important positions in both the central Government and in local governments. All members of the SPDC have been military officers on active duty, and the SPDC has placed military or retired military officers in most key senior-level positions in all ministries. At year's end, active duty or retired military officers occupied 34 out of 36 ministerial-level positions.

Following the NLD's victory in the 1990 elections, the military junta refused to implement the election results and disqualified, detained, or imprisoned many successful candidates (see Sections 1.d. and 1.e.). Many other M.P.s-Elect fled the country. Following an aborted effort from 1993-96 to draft a new constitution assigning the military the dominant role in the country's political structure, the military junta continued its systematic use of coercion and intimidation to deny citizens the right to change their government.

In September 1998, because the SPDC refused to allow the entire Parliament to convene, the NLD leadership organized the CRPP on the basis of written delegations of authority from a majority of the surviving M.P.s-Elect of the 1990 Parliament. The CRPP acts on behalf of the Parliament until the Parliament is convened. In retaliation the Government launched a sustained and systematic campaign to destroy the NLD without formally banning it; the authorities pressured many thousands of NLD members and local officials to resign and closed party offices throughout the country. Military intelligence officials also detained more than 200 M.P.s-Elect in 1998. At year's end, a total of 38 M.P.s-Elect remained in prison; Sein Hla Oo, Dr Zaw Myint Maung, Ohn Kyaing, Khin Maung Swe, and Dr. Myint Naing, have been in prison since the early 1990s.

In October 1999, the Government's Multiparty Democracy General Election Commission announced that of 392 NLD members elected to Parliament in 1990, only 92 remained both NLD members and M.P.s-Elect. It claimed that 105 had resigned their parliamentary status, 139 had been disqualified by the commission, 27 had resigned from the NLD, and 31 had died. In contrast, in September 2000, the CRPP claimed to enjoy the support of 433 of the 485 M.P.s-Elect.

Late in 2000, with encouragement from the U.N. Special Envoy Razali Ismail, the Government initiated talks with Aung San Suu Kyi that produced some relaxation in the restrictions on the NLD. In subsequent years, the NLD was able to resume some political party activities. The May 30 attack on the NLD marked a severe set-back for the process, and the Government still had not opened a substantive dialogue with the NLD and continued to hold more than 1,300 political prisoners at year's end.

Women were excluded from military leadership. There were no female members of the SPDC, ministers, or Supreme Court judges.

Members of certain minority groups also were denied full citizenship and a role in government and politics (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not allow domestic human rights organizations to function independently, and it remained generally hostile to outside scrutiny of its human rights record.

The Government's restriction on travel by foreign journalists, NGO staff, U.N. agency staff, and diplomats; its monitoring of the movements of such foreigners; its frequent interrogation of citizens concerning contacts with foreigners; its restrictions on the

freedom of expression and association of citizens; and its practice of arresting citizens who passed information about Government human rights abuses to foreigners all impeded efforts to collect or investigate information regarding human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified.

There were approximately 35 nonpolitical, international humanitarian NGOs working in the country. A few others have established a provisional presence while undertaking the protracted negotiations necessary to establish permanent operations in the country. Beginning in 2001, international NGOs sometimes were required to have a ministry representative accompany them on field visits, at the NGOs' expense (see Section 1.f.).

The Government permitted the UNSRHR, Paulo Sergio Pinheiro, to visit the country twice during the year. He decided to cut short his first visit when he discovered an electronic listening device installed in a government-controlled room where he was interviewing a political prisoner. In his reports, Pinheiro cited "significant setbacks" in the human rights situation and the lack of progress in the dialogue process between the Government and the democratic opposition. Pinheiro registered grave concern about the alleged death, bodily harm, detention, and disappearance of scores of individuals as a result of the May 30 attack. Pinheiro noted the attack took place against the backdrop of arrests and continuing imprisonment of other political activists since the beginning of the year. He also noted that the Government declined to give assurances for an independent assessment of alleged serious human rights abuses in ethnic regions (see Section 1.c.).

In 2001, the Government announced the creation of a Human Rights Committee, chaired by the Minister of Home Affairs and including the Chief of Police as one of the members. During the year, the UNHCR conducted refugee law and human rights seminars. The Australian Government suspended its human rights training program after the May 30 attack. The Government received ILO complaints of labor violations and stated that it was conducting investigations into the violations.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The SPDC continued to rule by decree and, due to the abrogation of the Constitution, was not bound by any constitutional provisions concerning discrimination. In 2002, Government border officials had for a 2-month period administered involuntary HIV/AIDS tests to repatriating citizens. Those who tested positive were forced first into a hospital and then into a detention center. The Foreign Minister reported this situation to the Ministry of Health as discrimination and the Health Ministry ended the practice. HIV-positive patients were discriminated against, as were the doctors who treated them. The Government worked to address this issue and has drafted a protocol for Voluntary Confidential Counseling and Testing for HIV/AIDS that is intended to provide protection for the right to privacy. It was not promulgated by year's end.

Women

Domestic violence against women, including spousal abuse, in Rangoon and Mandalay was a significant problem and was increasing, according to credible reports. The problem was difficult to measure in rural areas. The Government did not release statistics regarding spousal abuse or domestic violence. Married couples often lived in households with extended families, where social pressure tended to protect the wife from abuse.

Rape is illegal; however, spousal rape is not a crime unless the wife is under 12 years of age. The Government stated that rape was not common in populous urban areas but occurred more often in remote areas. The Government did not release statistics regarding rape. It was generally unsafe for women to travel during hours of darkness without a male escort. Employers who employed women at night typically had to supply a "ferry" bus or truck to return workers to their homes. Use of taxis at night was particularly hazardous for women of the risk of rape or robbery. Prostitutes traveling at night must typically pay substantial additional fees to taxi operators or risk being raped, robbed, or turned over to the police. There are reports that prostitutes taken into police custody were sometimes raped or robbed by the police.

Prostitution is prohibited by law and punishable by 3 years in prison; however, it was growing in prevalence, particularly in some of Rangoon's "border towns" and "new towns," which were populated chiefly by poor families that were relocated forcibly from older areas of the capital. There were credible reports that a large number of female prostitutes were imprisoned and often subjected to abuse while incarcerated. There were no laws against sexual harassment.

Consistent with traditional culture, women kept their names after marriage and often controlled family finances. However, women remained underrepresented in most traditional male occupations, and women continued to be barred effectively from a few professions, including the military officer corps. Poverty, which was widespread in rural areas, affected women disproportionately. Women did not receive equal pay for equal work on a consistent basis. Women legally were entitled to receive up to 26 weeks of maternity benefits; however, in practice these benefits often were not accorded them.

There were no independent women's rights organizations. The National Committee for Women's Affairs in the Ministry of Social Welfare was responsible for safeguarding women's interests. The Government and at least one international NGO operated schools and other rehabilitation programs for former prostitutes. The Myanmar Maternal and Child Welfare Association, a government-controlled agency, provided assistance to mothers. The Myanmar Women Entrepreneurs' Association, a professional society for businesswomen, provided loans to women starting new businesses.

Children

The Government continued to allocate minimal resources to public education. Public schooling was provided through the 10th standard (equivalent to the U.S. 12th grade), but families bore a major portion of financial costs. Education is compulsory through the end of the 4th standard. There was no difference in attendance rate of boys and girls. The Government encouraged Buddhist monastic schools in rural areas. According to the latest available statistics, during the year, official expenditures for all civilian education were equivalent to less than 1 percent of gross domestic product (GDP) and have declined by more than 70 percent in real terms since 1990. In 2001, UNICEF reported that 69 percent of primary school students completed the 4th standard; however, according to official studies conducted with U.N. assistance, only 37 percent of children finished 4th standard in urban areas and only 22 percent did so in rural areas. Rates of school attendance and educational attainment decreased during the year, largely due to rising formal and informal school fees as the Government diverted expenditures from health and education to the armed forces. On average, teacher's pay was equal only to approximately \$7 (7,000 kyats) per month, far below subsistence wages, forcing many teachers to leave the profession. Only relatively prosperous families were able to afford to send their children to school, even at the primary level. In ethnic minority areas, the Government often banned teaching in local languages. In some areas where few families were able to afford unofficial payments to them, teachers generally no longer came to work and schools no longer functioned. In response to official neglect, private institutions began to provide assistance in education, despite an official monopoly on education.

Children also suffered greatly from the Government's severe and worsening neglect of health care. The Government cut official expenditures on public health care even more sharply than it cut spending for education. Government expenditures for civilian health care in 1998-99 were equivalent to only 0.3 percent of GDP. In 2001, official studies sponsored by U.N. agencies found that, on average, 109 of 1,000 children died before reaching the age of 5 years, and that only 1 out of 20 births in rural areas was attended by a doctor. A joint Ministry of Labor and United Nations Populations Fund (UNFPA) study in 2001 indicated that, among children under 5 years of age, 7.9 percent were severely malnourished. A joint Ministry of Health and UNICEF report in 2000 indicated that on a national level 35.3 percent of children under 5 are moderately to severely underweight, 33.9 percent are moderately to severely underdeveloped, and 9.4 percent are moderately to severely emaciated. The World Health Organization considered the country's health care system to be extremely poor.

Child abuse is prohibited by law. The Government stated that child abuse was not a significant problem; however, the Government did not release supporting statistics.

Child prostitution and trafficking in girls for the purpose of prostitution--especially Shan girls who were sent or lured to Thailand--continued to be a major problem (see Section 6.f.). In Rangoon and Mandalay, diplomatic representatives noted widespread employment of female prostitutes who appeared to be in their early teens and for whom there was reportedly a high demand. Additionally, some brothels offered young teenage "virgins" to their customers for a substantial additional fee.

The official age of enlistment in the ostensibly all-volunteer army is 18 years. Unlike in previous years, there were no reports that the authorities rounded up orphans and street children in Rangoon and other cities and forced them into military service. During the year, diplomatic representatives received a new report that in October 2002 an M.P.-Elect from Karen State filed a report to the police that a 15-year-old boy was missing minutes after arriving in Rangoon railway station. The Rangoon police suggested looking for him at the Hmawby army recruit camp near Rangoon, where the M.P.-Elect found three sets of parents also looking for their children. Six boys were brought forward and the M.P.-Elect was able to identify and retrieve the boy. In October, diplomats received a credible report that there were several thousand child soldiers in the Burmese Army (see Section 6.d.).

Several international NGOs and agencies promoted the rights of children in the country, including World Vision, Save the Children UK, CARE, UNICEF, U.N. Development Program, and foreign governments.

Persons with Disabilities

In principle official assistance to persons with disabilities includes two-thirds of pay for up to 1 year of a temporary disability and a tax-free stipend for permanent disability; however, in practice assistance was limited severely. There was no law mandating accessibility to buildings, public transportation, or government facilities. While there were several small-scale organizations to assist persons with disabilities, most had to rely on their families to provide for their welfare. Military veterans with disabilities received available benefits on a priority basis. Because of landmine detonations, there were a large number of amputees in the country.

National/Racial/Ethnic Minorities

Wide-ranging governmental and societal discrimination against minorities persisted. Animosities between the country's many ethnic minorities and the Burman majority, which has dominated the Government and the armed forces since independence, continued to fuel active conflict that resulted in serious abuses during the year. These abuses included reported killings, beatings, torture, forced labor, forced relocations, and rapes of Chin, Karen, Karenni, Shan, and other ethnic groups by SPDC soldiers. Some armed ethnic groups also may have committed abuses but on a much smaller scale than the Burmese Army (see Sections 1.a., 1.c., 1.f., and 1.g.).

Since only persons who were able to prove long familial links to the country were accorded full citizenship, native-born but non-indigenous ethnic populations (such as Chinese, Indians, and Rohingya Muslims) were denied full citizenship and were excluded from government positions. Members of the Rohingya Muslim minority in Rakhine State, continued to experience severe legal, economic, and social discrimination. The Government denied citizenship status to most Rohingyas on the grounds that their ancestors did not reside in the country at the start of British colonial rule in 1824, as required by the country's highly restrictive citizenship law.

The Government continued to discriminate systematically against non-Burmans. Because the Government reserved secondary state schools for citizens, Rohingya Muslims did not have access to state run schools beyond primary education and were ineligible for most civil service positions.

Forced labor of Muslims continued to be widespread in Rakhine State. Forced labor of minority ethnic groups was still prevalent in eastern border areas (see Section 6.c.).

Persons without full citizenship faced restrictions in domestic travel (see Section 2.d.). They also were barred from certain advanced university programs in medicine and technological fields.

Ethnic minority groups generally used their own languages. However, throughout all parts of the country controlled by the Government, including ethnic minority areas, Burmese remained the language of instruction in state schools. Even in ethnic minority areas, most primary and secondary state schools did not offer instruction in the local ethnic minority language. There were very few domestic publications in indigenous minority languages.

There were reports that the Government resettled groups of Burmans in various ethnic minority areas (see Section 1.f.). There were ethnic tensions between Burmans and non-indigenous ethnic populations, including Indians, many of whom were Muslims, and a rapidly growing population of Chinese, most of whom emigrated from Yunnan Province and increasingly dominated the economy of the northern part of the country. Both groups, though still harassed, tended to be more commercially oriented and hence more prosperous and economically powerful than Burmans.

Section 6 Worker Rights

a. The Right of Association

The 1926 Trade Unions Act, which remained in effect, permits workers to form trade unions only with the prior consent of the Government; however, no free trade unions existed in the country, and the Government dissolved even the SPDC-controlled union that existed before 1988.

In June 2001, the Committee on the Application of Convention and Recommendations of the International Labor Conference once again expressed profound regret regarding the persistence of serious discrepancies between the law and practice with respect to freedom of association. The committee criticized the Government for not implementing the provisions of ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, which the Government ratified in 1955.

The International Confederation of Free Trade Unions (ICFTU) reported that in August 2002 army troops killed an official of the Free Trade Union of Burma (the Kawthoolei Education Workers Union). The Burmese Army forced Mya Than, a village headman who was widely known for his trade union activities, to porter for the army, and then killed him in retaliation for an attack by opposition forces. The Government officially responded to this report by stating that Saw May Than was killed by an anti-personnel mine while portering for the Burmese Army.

The ILO reported that because unions are banned, there were no internationally affiliated unions. The Government forbade seafarers who found work on foreign vessels through the Seafarers Employment Control Division from contacts with the International Transport Workers' Federation and the Government often refused to document seafarers who were stranded abroad. This documentation gives permission to work abroad. Lack of documentation meant the worker must return home.

b. The Right to Organize and Bargain Collectively

The Government does not allow unions; therefore, workers did not have the right to organize and bargain collectively. The Government's Central Arbitration Board, which once provided a means for settling major labor disputes, has been dormant since 1988. Township-level labor supervisory committees existed to address minor labor concerns.

The Government unilaterally set wages in the public sector. In the private sector, market forces generally set wages. However, the Government has pressured joint ventures not to pay salaries greater than those of ministers or other senior Government employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector but followed the example of joint ventures in awarding supplemental wages and benefits.

According to the law, workers generally are prohibited from striking, although a small number of workers purportedly are accorded the right to strike. The last reported strike was in 2000, when an employer retracted a promise to pay piece rates. Subsequently 30 employees were detained, many for up to 3 months. All employees lost their jobs.

There are no export processing zones. However, there were special military-owned industrial parks, such as Pyin-Ma-Bin, near Rangoon, which attracted foreign investors, and the 2,000-acre Hlaingthaya Industrial Zone in Rangoon where at least four companies were known to operate on its premises.

c. Prohibition of Forced or Bonded Labor

Forced or bonded labor remained a widespread and serious problem. Although the Penal Code provides for the punishment of persons who imposed forced labor on others, there were no known cases of the application of this provision. Throughout the country, international observers verified that the Government routinely forced citizens to work on construction and maintenance projects. Citizens were also forced to work in the military-owned industrial zones. The law does not specifically prohibit forced and bonded labor by children, and forced labor by children continued to be a serious problem (see Section 6.d.).

The ICFTU reported that on a daily basis, the Government forced hundreds of thousands of men, women, children, and even the elderly to work against their will, generally without payment. Work ranged from road and railway construction and repair to serving as military porters to farming fields confiscated by the military. Military porters could be starved, beaten, or killed if they fell behind or tried to escape.

In March, the Burma-based ILO Liaison Officer reported that the Government's order to end forced labor, issued after the 2001 ILO High-Level Team visit, had been widely if unevenly disseminated; however, the impact on reducing forced labor was limited and unsustained. The Government's use of forced labor remained particularly serious in regions with a large military presence, especially in the eastern border areas and northern Rakhine State. The ILO also reported that it appears the Government was more often making payment for forced contributions, but the payments were usually well below prevailing wage rates. Diplomatic representatives did not receive any reports of the Government paying for forced contributions.

Over the past 5 years, the ILO and other international agencies have not seen a decrease in the Government's use of forced labor but have seen changes in the Government's approach to conscripting forced labor. The ILO reported that military units tended to no longer issue written orders to village heads to provide forced labor, and instead gave these instructions verbally. The ILO also reported that in some cases the Government apparently substituted its demands for forced labor with demands for forced contributions of materials, provisions, or money. Throughout the year there were frequent and widespread reports from NGOs and ethnic groups of Burmese Army soldiers forcing contributions from ethnic minority villagers in conflict areas. The ILO reports that since 2002, the Government increasingly substituted prisoners for civilians as forced laborers, a result of international pressure to not use civilians. During the year, the military continued to take prisoners from jails in Shan State for use as porters. In October, during its offensive against the KNU, the Burmese Army reportedly used over 300 prisoners as porters. After the May 30 attack on the NLD, a draft agreement with the ILO to establish a facilitator to help forced-labor victims seek remedies under Burmese law was postponed.

Authorities often allowed households or persons to substitute money or food for labor for infrastructure projects, but widespread rural poverty forced most households to contribute labor. Parents routinely called upon children to help fulfill their households' forced labor obligations (see Section 6.d.).

During the year, diplomatic officials did not receive reports of forced labor for building civil infrastructure in central Burma. Forced labor has lessened considerably in the ethnically Burman central regions mainly because many infrastructure projects such as bridges and roads were completed. However, forced labor has been substituted by forced contributions in cash or in kind. For example, if a household or a community cannot provide workers for farming military land or attending militia training, each household and/or community must pay for their replacements. Smaller scale forced labor still exists. On September 5, the local chairman of Chaungnet Village in Magwe Division forced one person from each household to clear the bushes on Rangoon-Magwe Highway. Those who refused were fined \$5 (5,000 kyat).

In June, Earth Rights International reported that villagers stated that forced labor in their area was coordinated at an institutional level by the military. Every village head in a sample district of rural eastern Burma was required to attend a weekend meeting to receive the latest demands from the army for forced labor. Forced labor was never adequately compensated and refusal to work only invited punishment. Complaining about forced labor was dangerous and according to village heads could result in retaliation.

In mid-year, the Government began a new forced labor program, compelling many civil servants and one person from each family to attend an unpaid 45-day militia-training program. The SPDC forced each trainee to pay \$5 (5,000 kyat) for a uniform and a bamboo weapon. The Government required a forced contribution of \$5 (5,000 kyat) from families unable to send a person to the militia training. According to reports, the Government compensated trainees with food and, in rare cases, a token per diem payment.

The KNU released credible but unconfirmed reports of widespread use of forced labor in conflict areas along Burma's eastern border. On July 10, soldiers forcibly recruited 500 porters in Mone Township to carry food supplies for the army. Those unable

to carry a load had to pay \$5 (5,000 kyat) each. On July 15, soldiers ordered 13 Kaw-thay-doe villagers from Tan-ta-bin Township to cut bamboo and fence the army camp. Also on July 15, soldiers forced six villagers from Kaw-thay-doe village, Tan-ta-bin Township, and three Ga-mu-doe villagers to carry military supplies.

Trafficking of women was a serious problem (see Section 6.f.).

The Government established a committee to implement measures against forced labor and allowed the ILO to open a liaison office in Rangoon and to travel throughout the country. The implementation committee, however, has not identified or prosecuted any instances of forced labor. The committee did not implement adequate mechanisms for the reporting, investigation, and prosecution of incidents of forced labor.

Forced recruitment of soldiers was widespread. Diplomatic representatives learned that the Government would not allow soldiers to leave the army at the end of their enlistment without first recruiting three or four replacements, even if it required forced recruitment. Forced recruitment for the police forces followed the same pattern.

Civil service pay is negligible. For example, medical doctors earn \$10 (10,000 kyat) a month. Civil servants are not allowed to retire at will or terminate employment to leave for other sectors.

d. Status of Child Labor Practices and Minimum Age for Employment

Although the law sets a minimum age of 13 for the employment of children, in practice the law was not enforced. Child labor has become increasingly prevalent and visible. Working children were highly visible in cities, mostly working for small or family enterprises. In the countryside, children worked in family agricultural activities. Children working in the urban informal sector in Rangoon and Mandalay often began work at young ages. In the urban informal sector, child workers were found mostly in food processing, street vending, refuse collecting, light manufacturing, and as tea shop attendants. According to 2002 official statistics, 6 percent of urban children worked, but only 4 percent of working children earned wages; many were employed in family enterprises.

The law does not specifically prohibit bonded labor by children; while there are no reports of bonded labor, children were subjected to forced labor. The authorities reportedly rounded up teenage children in Rangoon and Mandalay and forced them into portage or military service (see Section 5). In June, the ICFTU reported that the Government most often recruited children when adults were not available in sufficient numbers. In rural areas, if the father in a family was either away or had been killed, then the mother had to send a child to respond to a government order for a forced labor contribution. The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The Department of Social Welfare provides support and schooling for a small number of children who were orphaned or in some other way estranged from their families.

e. Acceptable Conditions of Work

Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The minimum daily wage for salaried public employees was \$0.10 (100 kyats) for what was in effect an 8-hour workday. Various subsidies and allowances supplemented this sum. Neither the minimum wage nor the higher wages earned even by senior officials provided a worker and family with a decent standard of living. Low and falling real wages in the public sector have fostered widespread corruption and absenteeism. In the private sector, urban laborers earned approximately \$0.80 (800 kyat) per day, while rural agricultural workers earned approximately half that rate. Some private sector workers earned substantially more; a skilled factory worker earned approximately \$4 (4,000 kyat) per day.

Surplus labor conditions, a poor economy, and lack of protection by the Government continued to dictate substandard conditions for workers. The 1964 Law on Fundamental Workers Rights and the 1951 Factories Act regulate working conditions. There is a legally prescribed 5-day, 35-hour workweek for employees in the public sector and a 6-day, 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. The law also allows for a 24-hour rest period per week, and workers were permitted 21 paid holidays per year; however, in practice, such provisions benefited only a small portion of the country's labor force, since most of the labor force was engaged in rural agriculture or in the informal sector.

Numerous health and safety regulations existed, but in practice the Government did not make the necessary resources available to enforce the regulations. Although workers may in principle remove themselves from hazardous conditions, in practice many workers could not expect to retain their jobs if they did so.

f. Trafficking in Persons

Trafficking in women and children was a serious problem. There reportedly was widespread complicity among local government officials in trafficking in persons. There were no known arrests or prosecutions of complicit officials.

The law does not prohibit trafficking in persons and there were reports that persons were trafficked from and within the country.

There are laws that are used against traffickers such as the Penal Code, which prohibits kidnapping, the Suppression of Prostitution Act and the Child Law, which include provisions against the sale, abuse, or exploitation of children. According to the Government, traffickers received sentences of between 3 and 14 years for trafficking in persons in 2002. According to government figures, investigations resulted in jail sentences being handed out in approximately 90 cases. The Government issued a report that through June it uncovered 223 cases of trafficking in humans, arrested 417, sentenced 83 human traffickers, and gave educational talks to 82,251 people on trafficking. In two 2002 reports the Government highlighted the prevention, repatriation, and prosecution actions taken under a newly formed Working Committee for the Prevention of Trafficking in Persons, chaired by the Minister of Home Affairs.

Officials recognized the need for continuing engagement on preventing trafficking and the prosecution of traffickers. Although the Government was active on these fronts, its effectiveness was unclear by year's end. The Government expanded cooperation with international and local NGOs and began to show interest in cooperating with authorities in Thailand to combat trafficking in persons; however, the Government did not take any official action to cooperate with neighboring countries.

Trafficking of women and girls to Thailand and other countries, including China, India, Bangladesh, Taiwan, Pakistan, Malaysia, Singapore, Japan, and countries in the Middle East for sexual exploitation, factory labor, and as household servants was a problem. Shan and other ethnic minority women and girls were trafficked across the border from the north; Karen and Mon women and girls were trafficked from the south. There was evidence that internal trafficking generally occurred from poor agricultural and urban groups to areas where prostitution flourished (trucking routes, mining areas, and military bases) as well as along the borders with Thailand, China, and India. Men and boys also reportedly were trafficked to other countries for sexual exploitation and labor. While most observers believed that the number of these victims was at least several thousand per year, there were no reliable estimates.

While laws exist against child prostitution and child pornography, they were not effectively enforced. Reports from Thailand indicated that the rising incidence of HIV infection there increased the demand for supposedly "safer," younger prostitutes, many of whom came from Burma. Trafficking in children within the country also appeared to be a growing problem; however, there were no reliable statistics regarding its extent. The Government has begun to help locate families of freed child trafficking victims and to assist in their repatriation from Thailand.

In recent years, the Government has made it difficult for single females to obtain passports or marry foreigners ostensibly in order to reduce the outflow of women as victims of trafficking (see Sections 1.f. and 2.d.). In addition, there are regulations forbidding girls under the age of 25 from crossing the border unless accompanied by a guardian. However, most citizens who were forced or lured into prostitution crossed the border into Thailand without passports.

Corruption among local government officials was widespread and included complicity in the trafficking of persons. The Government's efforts to stop international and internal sex and exploitative trafficking were limited given the magnitude of the problem.

A number of NGOs offered poverty alleviation and education programs designed to counter trafficking. Reportedly these programs have been moderately successful.

While the Government has made limited progress on trafficking in persons during the year, baseline information on the extent to which trafficking occurs and the success of the Government's activities is not available. The Government's pervasive security controls, restrictions on the free flow of information, and lack of transparency prevented a meaningful assessment of trafficking in persons activities in the country. For example, while experts agreed that human trafficking from the country was substantial, no organization, including the Government, was able or willing to estimate the number of trafficking victims. The Government did not allow an independent assessment of their reported efforts to combat the problem.